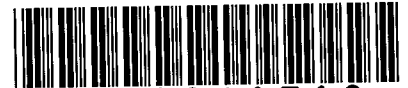


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BEFORE THE ARIZONA CORPORATION

RECEIVED

COMMISSIONERS

JEFF HATCH-MILLER, Chairman

WILLIAM A. MUNDELL

MARC SPITZER

MIKE GLEASON

KRISTIN K. MAYES

2006 SEP 27 P 3:28
AZ CORP COMMISSION
DOCUMENT CONTROL

In the matter of:

Docket No. S.20442A-06-0110

Mid America Energy, Inc.,
a Nevada Corporation
129 Haven Street, Unit A
Hendersonville, TN 37075

APPLICATION TO WITHDRAW AS
COUNSEL OF RECORD

Mid America Oil & Gas
a Tennessee Limited Liability Company
2023 Earl Pearce Cir.
Mount Juliet, TN 37122-1328

Gary M. Milby a/k/a
Gary Moss Milby a/k/a
Gary M. Milley
And Jane Doe Milby,
husband and wife
129 Haven Street, Unit A
Hendersonville, TN 37075

Arizona Corporation Commission
DOCKETED

SEP 27 2006

Jim and Jane Doe Whatcott,
husband and wife,
129 Haven Street, Unit A
Hendersonville, TN 37075

DOCKETED BY	NR
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John and Jane Doe Blitz,
husband and wife,
129 Haven Street, Unit A
Hendersonville, TN 37075

Respondents.

In accordance with R14-3-104(E), Snell & Wilmer L.L.P. moves the Administrative Law Judge to permit its withdrawal and the withdrawal of Paul L. Stoller and Don Bivens as counsel of record to any party to these proceedings. Snell & Wilmer has notified its former clients, as well as the other parties to this action, of its withdrawal as counsel.

R14-3-104(E) states that: "The Commission or presiding officer in any proceeding may permit the withdrawal of an attorney from any proceeding upon written application and good

1 cause shown under such terms, conditions, and notices to clients and other parties as the
2 Commission or presiding officer may direct.”

3 On March 24, 2006, Don Bivens and Paul Stoller (then of the firm Bivens & Nore, P.A.)
4 filed a Request for Hearing on behalf of Mid America Energy, Inc., Mid America Oil & Gas,
5 LLC, Gary Milby, Jim Whatcott, and John Blitz. Because of the potential for conflicts of interest
6 between Messrs. Whatcott and Blitz, on the one hand, and the companies and Mr. Milby, on the
7 other, Michael Ross of the law firm of Gallagher & Kennedy subsequently appeared and
8 answered the Cease and Desist Order on behalf of Messrs. Whatcott and Blitz. Mr. Ross and
9 Gallagher & Kennedy have since served as sole counsel for Messrs. Whatcott and Blitz.
10 Consequently, Messrs. Bivens’ and Stoller’s remaining clients in this proceeding have been Mid
11 America Energy, Inc., Mid America Oil & Gas, LLC, and Gary Milby (the “Mid America
12 Parties”). Messrs. Bivens and Stoller recently joined the firm of Snell & Wilmer. The Mid
13 America Parties consented to the transfer of their representation from Bivens & Nore, P.A. to
14 Snell & Wilmer L.L.P. The firm of Bivens & Nore, P.A. is no longer active in the practice of
15 law.

16 For the reasons that are confidential and potentially privileged, Messrs. Stoller and Bivens
17 and Snell & Wilmer terminated their representation of the Mid America Parties as of September
18 18, 2006. Snell & Wilmer L.L.P. informed the Mid America Parties of the termination on that
19 date via email, facsimile, U.S. mail, and voice mail and those parties are aware of the upcoming
20 deadlines in these proceedings. Further, Snell & Wilmer L.L.P. and Messrs. Stoller and Bivens
21 have provided notice to all other parties to this proceeding of their withdrawal as attorneys for the
22 Mid America Parties by the filing of a Notice of Withdrawal in these proceedings.

23 In the event that the Judge needs to know the basis for Snell & Wilmer, L.L.P.’s
24 termination of representation of the Mid America Parties, Snell & Wilmer, L.L.P. will submit a
25 confidential and *ex parte* Declaration by Paul Stoller that will explain the facts leading up to the
26 termination of the representation.

27 Because there is good cause for the withdrawal and notice to all parties, Snell & Wilmer
28 L.L.P. requests that Judge Stern, as the presiding officer of these proceedings, approve the

1 withdrawal of Snell & Wilmer L.L.P., Don Bivens, and Paul Stoller as counsel of record for any
2 and all parties in these proceedings.

3 Dated this 27th day of September 2006.

4 SNELL & WILMER, L.L.P.

5
6 By 

7 Don Bivens
8 Paul L. Stoller
9 One Arizona Center
400 East Van Buren
Phoenix, Arizona 85004-2202

10 ORIGINAL AND TWELVE COPIES
11 filed and COPY hand-delivered this 27th
12 day of September 2006 to:

13 The Honorable Marc E. Stern
14 Administrative Law Judge
15 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

16 Shoshana O. Epstein, Esq.
17 Staff Attorney
18 Arizona Corporation Commission
1200 West Washington Street
19 Phoenix, Arizona 85007

20 Matthew J. Neubert
21 Director of Securities
22 Arizona Corporation Commission
1300 West Washington Street, 3rd Floor
Phoenix, Arizona 85007

23 Michael R. Ross
24 Gallagher & Kennedy
25 2575 East Camelback Road
Phoenix, Arizona 85016-9225
26 Attorneys for Jim Whatcott and
John Blitz


27 ///

28 ///

///

1 COPY mailed this 27th day of
2 September 2006 to:

3 Mid-America Energy, Inc.
4 Mid-American Oil & Gas, LLC
5 Gary M. Milby
6 129 Haven Street, Unit A
7 Hendersonville, TN 37075

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9 1892868